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**MAINTENANCE FEE TRANSMITTAL FORM**

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**Address to:**

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Attn: Maintenance Fee  
2051 Jamieson Avenue, Suite 300  
Alexandria, VA 22314

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- OR -

Signature

*Adam J. Koffler*

07/30/2010 DALLIN 00000031 7040706

555.00 OP

Fax to: 571-273-6500

Typed or printed name ADAM J. KOFFLER

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

- ☒ A check for the amount of \$ 555.00 for the full payment of the maintenance fee(s) and any necessary surcharge is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is enclosed.
- ☐ The Director is hereby authorized to charge \$ to cover the payment of the fee(s) indicated below to Deposit Account No. \_\_\_\_\_.
- ☐ The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. \_\_\_\_\_.

\* Information required by 37 CFR 1.366(c) (columns 1 &amp; 2). Information requested under 37 CFR 1.366(d) (columns 3, 4, &amp; 5).

Item	Patent Number* Column 1	U.S. Application Number* [e.g., 06/555,555] Column 2	Maintenance Fee Amount (37 CFR 1.20(e)-(g)) Column 3	Surcharge Amount (37 CFR 1.20(h)) Column 4	Payment Year (select one below) Column 5		
					3.5 yrs	7.5 yrs	11.5 yrs
1	7040706	10731876	\$490.00	\$65.00	X		
2							
3							
4							
5							

Subtotals: Columns 3 &amp; 4

\$490.00

\$65.00

Total Payment

\$555.00

☐ additional sheets attached for listing additional patents.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on Form PTO-2038.

Respectfully submitted, \*\*

Customer's Signature

*Phat Cushion LLC* by *Adam J. Koffler*

Customer's Name PHAT CUSHION LLC

Registration Number, if applicable: \_\_\_\_\_

Telephone: 952-593-5280

Fax: 952-593-5286

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, a written assertion is required. See 37 CFR 1.27 and 1.33(b).

\*\* WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.

This collection of information is required by 37 CFR 1.366. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA. 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314.

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# **PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)	<b>RECEIVED</b>  <b>AUG 02 2010</b>
7040706	2006-05-09	10731876	2003-12-09	NOT APPLICABLE	

**CAUTION:** Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. See 37 CFR 1.366(c) and (d).

## **SMALL ENTITY**

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## **LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS**

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

### **NOT Small Entity**

	Fee	Code
<input type="radio"/> 3 ½ year		(1551)
<input type="radio"/> 7 ½ year		(1552)
<input type="radio"/> 11 ½ year		(1553)

### **Small Entity**

	Fee	Code
<input checked="" type="radio"/> 3 ½ year		(2551)
<input type="radio"/> 7 ½ year		(2552)
<input type="radio"/> 11 ½ year		(2553)

## **SURCHARGE**

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

## **MAINTENANCE FEE (37 CFR 1.20(e)-(g))**

The appropriate maintenance fee must be submitted with this petition.

## **STATEMENT**

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

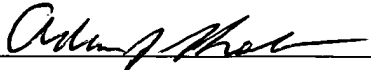
## **THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES**

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☒ The assignee of record of the entire interest

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<b>The Assignee of record of the entire interest</b>			
<p>Under 37 CFR 3.71 an assignee becomes of record by filing a statement in compliance with 37 CFR 3.73(b). Signature requirements are set forth in 37 CFR 1.4(d), and the undersigned certifies that he / she is empowered to act on behalf of the assignee of the entire interest</p>			
Signature		Date (YYYY-MM-DD)	2010-07-23
Name	ADAM J. KOFFLER ON BEHALF OF PHAT CUSHION LLC		
Enter Reel and Frame Number		<input type="button" value="Remove"/>	
Reel Number		Frame Number	
Click ADD for additional Reel Number and Frame Number		<input type="button" value="Add"/>	
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. <b>DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</b></p>			

**STATEMENT UNDER 37 CFR 3.73(b)**

**RECEIVED**

Applicant/Patent Owner: PHAT CUSHION LLC

Application No./Patent No.: 10731876 / 7040706

Filed/Issue Date: 2003-12-09 / 2006-05-09 **02 2010**

Titled:

**OFFICE OF PETITIONS**

PHAT CUSHION LLC

, a LIMITED LIABILITY COMPANY

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)  
the patent application/patent identified above, by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy therefore is attached.

**OR**

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

JULY 23, 2010

Date

ADAM J. KOFFLER

Printed or Typed Name

MANAGER & INVENTOR

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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